

## **REMARKS**

Claims 1-7, 11-24, and 28-31 remain pending in the present application as amended. Independent claims 1 and 18 have been amended. No claims have been added or canceled by the present Amendment. Applicants respectfully submit that no new matter has been added to the application by the Amendment. Support for amendments may be found in the application as published at least in connection with paragraphs [0026]-[0029].

### **Telephone Conversation With Examiner**

Examiner Burgess is thanked for the telephone conversation conducted on February 25, 2010. Proposed amendments were discussed. Asserted art was discussed. Although it appears that the proposed amendments overcome the rejections based on the asserted art, Examiner Burgess indicated that she would have to further review the specification and the asserted art.

### **Section 103 Claim Rejection**

The Examiner has now rejected the claims under 35 USC § 103 as being obvious over Elza et al. (U.S. Patent Pub. No. 2004/0230903) in view of Lindsey (U.S. Patent Pub. No. 2004/0121789), and further in view of Lewis et al. (U.S. Patent Pub. No. 2003/0109271). Applicants respectfully traverse the Section 103 rejection insofar as it may be applied to the claims as amended. In particular, Applicants respectfully submit that the asserted references all fail to disclose or suggest that a server receives from a first client of a user a message from which a query is derived for particular ones of electronic communications to the user as already received and stored by the server, retrieves from a storage device the particular ones of the electronic communications to the user according to the query, and sends the retrieved electronic communications to an endpoint comprising another first client of the user different from the first client of the user corresponding to the query, particularly in the manner recited in independent claims 1 and 18 as amended.

To remind the Examiner, independent claim 1 is directed to a system for transporting agnostic pull mode messaging that requires a plurality of first clients of a particular user. Each first client may differ from other first clients. For example, one first client of the user may be a desktop computer messaging service that communicates according to a first type of first communication protocol, while another first client of the user may be a handheld messaging service that communicates according to a second type of first communication protocol, while yet another first client of the user may be a mobile-phone based messaging service that communicates according to a third type of first communication protocol. Thus, if each client of the user were to communicate directly with a server engine to effectuate messaging, the server engine would be required to be capable of communicating in each of the first, second, and third types of the first communication protocol. Of course, providing the server engine with such functionality becomes cumbersome and unwieldy, especially as the number of types of the first communication protocol that the server engine must handle grows.

Accordingly, per claim 1, each first client of the user has a corresponding first adapter with which the first client communicates according to the corresponding first communication protocol, and all of the adapters communicate with the server engine by way of a common second communication protocol. The corresponding first adapter for each first client receives the corresponding first message and sends the response to the corresponding first client using the corresponding first communication protocol indicating that the corresponding first message was received, generates a corresponding second message based on the corresponding first message, and sends the corresponding second message to the common server engine using the common second communication protocol. As should be appreciated, then, the first adapter translates the first message into the second message so that the substances of the messages is generally the same, perhaps with minor non-substantive differences. The common server engine receives each second message and executes at least one instruction based on the received second message.

As amended, claim 1 recites that the executed instruction includes a query derived from the second message for particular ones of electronic communications to the user as already

received and stored by the common server engine. For example, the query may be for all e-mails to the user from a particular time period and from a particular sender, or from a particular sender and having a particular search term, among other things. In any instance, the common server engine retrieves from a storage device the particular ones of the electronic communications to the user according to the query and sends the retrieved electronic communications to an endpoint.

The endpoint comprises another first client of the user different from the first client of the user corresponding to the query. That is, if the query originates from a portable email device of the user, for example, the endpoint would be another device of the user that is not the portable email device, such as for example a desktop email device, among other things. As recited, the endpoint is identified by the user in the first message by way of an identifier of the endpoint, and the common server engine determines the endpoint from the identifier thereof from the second message and stores the retrieved electronic communications in a queue corresponding to the determined endpoint. Thus, the determined endpoint accesses the queue and pulls the stored electronic communications therefrom.

Accordingly, if each first client accesses the common server engine to access email, for example, one first client of the user, such as a desktop application, for example, may send an instruction to the common server engine to direct same to deliver a particular subset of email of the user to another first client of the user, such as for example a mobile device of the user. In effect, then, a user at one first client can direct the common server engine to deliver email to another first client of the user even if the user is not at such another first client.

Independent claim 18 as amended recites subject matter similar to that of claim 1, albeit in the form of a method.

The Elza and Lindsey references show multiple clients accessing a server / server engine, as is best seen in Figs. 3 and 2, respectively, and as the Examiner now points out the Lewis reference teaches communicating a message from a first device to a second device. However, Applicants respectfully submit that none of the asserted references discloses or even suggests

that a common server executes an instruction that includes a query derived from a second message from an adapter corresponding to a first device of a user in the manner recited in claims 1 and 18. In particular, none of the asserted references discloses or suggests that such a query is for particular ones of electronic communications to the user *as already received and stored by the common server engine*. In the Lewis reference in particular, the electronic communications are being delivered from the first Lewis device to the second Lewis device (see Abstract), and are therefore not already received and stored by the Lewis server. In contrast, in the present application, the second message is not an electronic communication of the user, but instead is an instruction to find particular electronic communications of the user as already received and stored by the common server engine, and to deliver the found items to a remote endpoint.

Inasmuch as the Lewis server does not query for particular electronic communications of the user as already received and stored at such Lewis server, the Lewis reference cannot disclose or even suggest that such Lewis server retrieves from a storage device the particular ones of the electronic communications to the user according to the query, or sends the retrieved electronic communications to an endpoint, as is now recited in claims 1 and 18. Likewise, the Lewis reference cannot disclose or even suggest that such endpoint comprises another first client of the user different from the first client of the user corresponding to the query, as is recited in claims 1 and 18.

Accordingly, Applicants respectfully submit that the combination of the Elza, Lindsey, and Lewis references does not disclose or even suggest all of the subject matter now recited in claims 1 and 18 as amended. Accordingly, Applicants respectfully submit that such references cannot be employed to make obvious such claims 1 and 18 as amended or any claims depending therefrom, including claims 2-7, 11-17, 19-24, and 28-31. As a result, Applicants respectfully request reconsideration and withdrawal of the Section 103 rejection.

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**PATENT**

### **CONCLUSION**

In view of the foregoing Amendment and Remarks, Applicants respectfully submit that the present application including claims 1-7, 11-24, and 28-31 is in condition for allowance and such action is respectfully requested.

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